

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

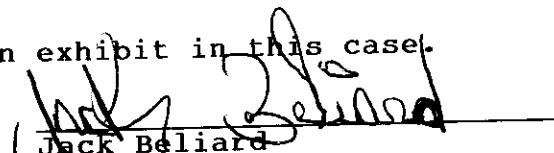
MICHAEL KEVIN DuPONT, Petitioner *
V. * No.04-11431-GAO
DAVID NOLAN, Respondent *

AFFIDAVIT OF JACK BELIARD IN SUPPORT OF PETITIONER'S
MOTION FOR ASSIGNMENT OF NEW COMPETENT C.J.A.COUNSEL

I, Jack Beliard, hereby depose and state of my own personal knowledge, under pain and penalty of perjury, that:

- 1) Attorney John Amabile represented me prior to and during my first degree murder trial and Michael DuPont drafted my January 2005 new trial motion (filed as an exhibit) that raises several areas of Amabile's ineffective assistance.
- 2) As reported in COMMONWEALTH V. BELIARD, 443 Mass 79, 86-89 (December 17, 2004) Attorney Amabile was not aware of the leading Massachusetts decision precluding use of someone else's guilty plea as trial evidence. My brother is now signing an affidavit verifying Amabile did not interview him prior to my trial and he would not have testified thereby keeping his prior plea out of evidence while noting the plea did not accurately reflect his possession of a firearm which he would have denied possessing truthfully if I wanted him to testify for my defense.
- 3) Attorney Amabile almost never accepted my collect calls, did not respond to many of my letters and never prepared me to testify, nor did he interview and summons other defense witnesses,

as set out in my new trial motion exhibit in this case.
February 4, 2005
copy served 2/7/05 on
Attorney General's Office
cc. Federal CJA Assignment Staff


Jack Beliard
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